

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 13-71 (3) (RHK/LIB)

Plaintiff,

ORDER

v.

Brian W. Holthusen,

Defendant.

Before the Court are Defendant Holthusen's Objections to the August 30, 2013 Report and Recommendation of Magistrate Judge Leo I. Brisbois. Judge Brisbois has recommended that Defendant's Motions to Dismiss the Indictment and to Suppress Statements, Admissions and Answers each be denied.

The Court has conducted the required *de novo* review of the referenced Motions. Based on that review, and having considered the memoranda of counsel and all of the files, records, and proceedings herein, the undersigned is satisfied that Judge Brisbois' thorough and well-reasoned Report and Recommendation is fully supported by the record before him and by controlling legal principles.

Accordingly and upon all the files, records and proceedings herein, **IT IS**

ORDERED:

1. The Objections (Doc. No. 98) to the Report and Recommendation are

OVERRULED;

2. The Report and Recommendation (Doc. No. 95) is **ADOPTED**;
3. Defendant's Motion to Dismiss the Indictment (Doc. No. 67) is **DENIED**;
4. Defendant's Motion to Dismiss Indictment Due to Selective Prosecution, or for Additional Discovery (Doc. No. 71) is **DENIED**; and
5. Defendant's Motion to Suppress Statements, Admissions, and Answers (Doc. No. 57) is **DENIED**.

Dated: October 31, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge